

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BEN DAVIS PIZANO,

Petitioner,

v.

CIVIL CASE NO. 05-70372

HON. LAWRENCE P. ZATKOFF

BARRY D. DAVIS,

Respondent.

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ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

This matter is currently before the Court on Magistrate Komives' Report and Recommendation in which the Magistrate Judge recommends that Petitioner's request for habeas relief be denied. Petitioner has not filed an objection to the Magistrate's Report and Recommendation.

After a thorough review of the court file, Petitioner's and Respondent's briefs, and the Report and Recommendation, this Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court. Accordingly, the Court HEREBY DENIES Petitioner's request for habeas relief.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: March 8, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 8, 2006.

s/Marie E. Verlinde

Case Manager

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